

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

TERRY GRAY, an individual,	:	
	:	Hon. Lois H. Goodman, U.S.M.J.
Plaintiff,	:	
	:	CIVIL ACTION NO.
v.	:	
	:	3:09-cv-03788-MLC-LHG
R.J. REYNOLDS TOBACCO COMPANY,	:	
and CARLOS MORALES, an individual,	:	DISCOVERY CONFIDENTIALITY
Defendants.	:	ORDER

THIS MATTER, having been opened to the Court by the parties for the entry of a Discovery Confidentiality Order pursuant to Local Civ. R. 5.3(b)(2), the terms of which shall govern the pretrial production, pretrial disclosure, and return of documents and information identified by the parties as confidential in accordance with the standards set forth in Pansy v. Borough of Stroudsburg, 23 F.3d 772 (3d Cir. 1994), and in accordance with attached Stipulation and Agreement Governing Confidentiality of Documents executed by counsel for the parties, and it appearing that discovery in the above captioned action is likely to involve the disclosure of confidential information, it is ORDERED as follows:

1. Confidential Documents and Information: The following documents and categories of documents, and the information contained in them, are hereby designated as confidential and the Recipients shall treat such documents and information as confidential and protect such documents and information from unnecessary disclosure in accordance with this Stipulation and Order: (1) All personnel records, discipline records, performance records, salary and compensation records, assessments, evaluations, and documents containing personal information pertaining to individuals including, without limitation, Plaintiff and Defendant

Carlos Morales; (2) documents containing medical, psychological and/or psychiatric information about Plaintiff; and, (3) documents containing business, training, financial, operational, benefit and human resources information pertaining to Defendant R.J. Reynolds Tobacco Company. (All of the above-described information and documents are referred to herein as “Confidential Documents and Information.”)

2. Providers: This Stipulation and Order applies to Confidential Documents and Information disclosed or provided by, or on behalf of, Plaintiff, and by Defendants.

3. Recipients: Only the following persons and entities and categories of persons and entities may be permitted to receive and use Confidential Documents and Information: Plaintiff’s attorneys, Defendants’ attorneys, legal, professional and administrative staffs, legal assistants, experts retained by the attorneys for Plaintiff and Defendants. (These persons are referred to herein as the “Recipients.”).

4. Disclosure and Use: The Recipients may use Confidential Documents and Information only in connection with this civil action and shall not disclose such documents or information to any person that is not a Recipient.

5. Duty to Inform: The attorneys for the parties will inform any and all Recipients of their responsibility to comply with this Stipulation and Order before providing any of them with the Confidential Documents and Information.

6. Use at Trial: The parties will make a good faith effort to attempt to resolve any issues concerning the use at trial of any Confidential Documents and Information. The use at trial of Confidential Documents and Information will be subject to the direction of the Court.

7. Amendment: The documents and categories of documents identified in paragraph 1 may be amended by the written agreement of the parties to include, and have governed by this Stipulation and Order, additional documents and categories of documents and information contained in them, subject to the approval of the Court.

8. Return: After the conclusion of this litigation (including the final resolution of any appeals that may be filed), within thirty (30) days after receipt by Plaintiff's attorneys of a written request from Defendants or their attorneys for return of the Confidential Documents and Information, Plaintiff's attorneys shall return to Defendants' attorneys any and all copies of those documents and any other documents containing any Confidential Documents and Information.

9. Depositions: Deposition transcripts or exhibits (or parts thereof) constituting or containing any discussion or disclosure of any Confidential Documents and Information shall be treated as confidential, shall be used only as permitted by this Stipulation and Order.

10. Redaction: Plaintiff agrees that Defendants may redact information from any Confidential Documents and Information that is personal, that is privileged, that involves personal issues that are not relevant to this matter; provided, however, that Plaintiff may move to have any redaction removed for good reason and, in such event, the information shall be treated as Confidential Documents and Information and shall be protected from unnecessary disclosure in accordance with this Stipulation and Order.

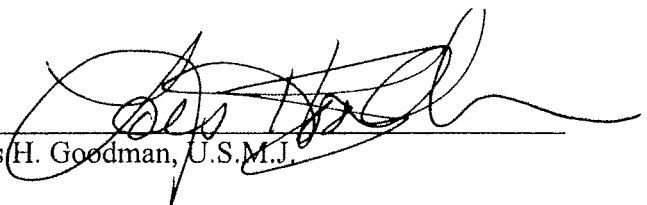
11. Parties filing documents with the Court in connection with this litigation containing records and information shall redact from any Confidential Documents and

Information any information that is personal, that is privileged, and/or that involves personal issues that are not relevant to this matter.

12. This Stipulation does not affect the use or disclosure of Confidential Documents and Information by Defendant.

13. Copies: All signed copies of this Stipulation and Order, and any counterparts, and photocopies thereof shall have the same force and effect and shall be as legally binding and enforceable as the originals.

14. Duration: This Stipulation and Order shall remain in force and effect unless and until modified, superseded, or terminated by order of the Court made upon motion with notice.



Lois H. Goodman, U.S.M.J.